



Legislative Briefing

In the News

UPCOMING EXECUTION

A commutation hearing for Elroy Tillman is scheduled June 12-15, giving the Board of Pardons an opportunity to commute his death sentence to life in prison. Tillman was convicted for the 1982 murder of Mark Schoenfeld. The Attorney General's Office maintains this case warrants the death penalty. His execution is scheduled for June 24.

TOM GREEN PROSECUTION

Investigators from the Attorney General's Office have been working closely with prosecutors in the Tom Green case and on May 20, he was convicted for bigamy and failure to pay child support. Green has also been charged with one count of rape of a child; a trial date has not yet been set.

MEDICAID FRAUD CONVICTION

Richfield audiologist Gary V. Chadwick pleaded guilty to three felony charges for failing to deliver hearing aids to patients and issuing bad checks to the manufacturers of the audio devices. Sentencing is scheduled for June 19. So far this year the Medicaid Fraud Control Unit has filed charges against 14 people.

Roadless Rule Blocked and Planning Rule on Hold

On May 11 U.S. District Judge Edward J. Lodge of Idaho issued an injunction blocking implementation of the Roadless Rule, declaring the rule a violation of the National Environmental Policy Act because the public was not allowed to take a "hard look" at the environmental impact of the roadless initiative. Five days later, the National Forest Service (NFS) announced that the new Planning Rule, which accompanied the Roadless Rule and provides the framework for managing roadless areas, will not be implemented for one year. NFS plans to make revisions to the rule after soliciting public input.

Also under review is the Transportation Rule, a component of the Roadless Rule that provides for the decommissioning of already existing roads.

Last month Utah filed a lawsuit against the National Forest Service challenging the Roadless Rule. Should the injunction on the rule be lifted, the Utah Attorney General's Office will continue to pursue the matter in federal court.

Utah's Other Road Battle

Utah continues to prepare a lawsuit over thousands of roads created pursuant to RS 2477, the statute that established rights of way for public thoroughfares on federal land. State officials are working with local authorities in this suit and teams are currently in the process of gathering information about the roads in dispute. Attorney General Shurtleff recently met with Secretary of the Interior Gale Norton and invited her to visit Utah to see firsthand how the Roadless Rule and RS 2477 affect the state.

Voluntary Contributions Act Suit Scheduled for Trial

The Utah Attorney General's Office is preparing an aggressive defense of HB 179, also known as the Voluntary Contributions Act. A temporary restraining order issued by the court last month delayed the act's implementation. The trial is scheduled for July 16. Litigation Division Chief Mark Ward is now representing the State. The Attorney General's Office is also consulting with state leaders about outside counsel to fortify the state's defense.

Utah Continues Fight for Fourth Congressional Seat

Utah's second lawsuit against the Census Bureau will be heard by a three-judge panel on August 29. The lawsuit challenges the legality of imputation, a form of statistical sampling used when census workers could not reach anyone in a home. In *Department of Commerce v. U.S. House of Representatives*, the U.S. Supreme Court invalidated the use of statistical sampling in apportionment.

Utah expects this issue to be added to its first case, which is being appealed to the U.S. Supreme Court. That case challenges the Census Bureau's inclusion of federal employees working abroad in the 2000 count while excluding overseas missionaries.

A Report from Utah's Obscenity and Pornography Ombudsman

Protecting Children from Internet Crime

Last month the Utah Internet Crimes Task Force arrested two suspects for arranging to have sex with a minor. It also opened 29 new investigations involving the possession or trading of child pornography on the Internet. The task force also provided training to more than 100 law enforcement officers and spoke to dozens of parents about internet safety.

Fighting Meth and Club Drugs

Next month the Attorney General's Office is meeting with Utah law enforcement leaders to discuss new strategies to fight drugs. Last year metro agents seized 210 meth labs and expect to surpass those numbers this year. In addition, Assistant Attorney General Scott Reed is chairing a multi-agency working group on club drugs. Use of drugs such as Ecstasy and GHB has increased dramatically among Utah's youth, particularly at raves (underground dances).

Enforcing the Tobacco Settlement

Complaints Filed Against Non-Participating Manufacturers

The Attorney General's Office has filed four complaints against non-participating cigarette manufacturers (NPMs) for failing to comply with settlement provisions which require the companies to deposit funds in an escrow account to cover future claims against them. The companies owe more than \$54,000 in escrow funds; one company has settled by depositing its funds and paying a fine.

Protecting Utah's Seniors

Utah filed a lawsuit against major drug companies Aventis and Andrx for conspiring to keep a lower priced alternative to the heart drug Cardizem CD off the market. The multi-state suit requests \$90 million in restitution and penalties.

Attorney General Shurtleff will testify before the Senate Judiciary Committee on May 24 in Washington, DC to emphasize the importance of this case in protecting Utah consumers, particularly senior citizens on fixed incomes.

Responding to Complaints

According to Ombudsman Paula Houston, the number one complaint concerns unsolicited e-mails that contain pornographic material or links to pornographic sites, many of which advertise teen pornography. Houston recently met with the U.S. Attorney's Office to develop a plan to investigate this problem. She is also preparing a database to track complaints.

Providing Education

Houston has been contacted by numerous groups about fighting pornography. In response she is exploring resources available to the community, ranging from education programs to filtering software. Information about these resources, legal issues, and other frequently asked questions will soon be available on the Attorney General's web site. She is also providing presentations around the state about the harms of pornography and internet safety.

Assisting Local Government

She is working with local government entities on sexually oriented business laws, answering questions and providing legal resources to them.

You can contact Paula Houston at 538-1152.

The Attorney General's Office represents the State in thousands of cases each year. If you need information on any matter being handled by our office, please call Paul Murphy, Ric Cantrell, or Tracey Tabet at 538-9600, or call Attorney General Mark Shurtleff at 538-1191. Thank you.